



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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U.S. DISTRICT COURT DISMISSES POLICE CLAIMS OF LABOR MISCONDUCT AGAINST THE CITY

San Diego, CA: A United States District Court has dismissed all the federal constitutional and state labor claims asserted by approximately 1500 San Diego police officers. The police officers alleged that the City of San Diego failed to compensate them fairly for the purchase of safety equipment and also sought civil penalties for missed meal periods.

The court's ruling resulted in the dismissal of all of the police officers' state labor code claims. Had Judge Dana Sabraw not dismissed these claims, the City potentially could have been liable for civil penalties estimated to exceed \$8 million.

The federal constitutional claims, which also were dismissed, had alleged uniform and equipment reimbursement violations in an unspecified amount.

The police officers' claims concerning alleged violations of the federal Fair Labor Standards Act and for breach of contract remain pending. The court concluded these claims could not be disposed of at this early stage of the litigation because of disputed factual issues.

The case against the City is being defended by Deputy City Attorney George Schaefer of the Office of the City Attorney, with assistance from outside counsel, Peter Benzian and Colleen Smith, of Latham & Watkins. The case, entitled *Abbe v. City of San Diego*, is set for trial in September 2008.

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